


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Anthony Lamar Snipe,)	
)	
Petitioner,)	
)	Civil Action No. 8:10-cv-2686-SB
v.)	
)	
Bureau of Prisons and Mildred L.)	<u>ORDER</u>
Rivera,)	
)	
Respondents.)	
)	

This matter is before the Court on the Petitioner's pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. In this action, the Petitioner seeks credit on his federal sentence for certain time spent in state custody. Pursuant to Local Rule 73.02(B)(2)(a), this matter was referred to a United States Magistrate Judge for preliminary review.

 On January 13, 2011, the Respondents filed a motion to dismiss, or in the alternative, for summary judgment, and on January 14, 2011, the Magistrate Judge issued an Order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising the Petitioner of his obligation to respond to the motion for summary judgment. After being given an extension of time to respond, the Petitioner filed a motion for summary judgment on March 4, 2011.

The Magistrate Judge carefully analyzed the parties' filings, and on May 20, 2011, she issued a report and recommendation ("R&R"), recommending that the Court grant the Respondents' motion for summary judgment and deny the Petitioner's motion for summary judgment. Essentially, the Magistrate Judge determined that the Petitioner received all of

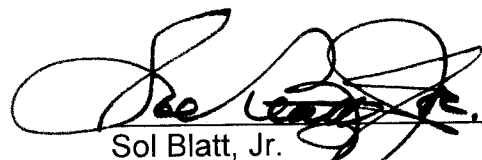
the credit for prior custody to which he is entitled and that his federal sentence was computed in accordance with the law. Attached to the R&R was a notice advising the Petitioner of his right to file written objections to the R&R within fourteen days of the date of service. Despite this notice, the Petitioner failed to file written objections to the R&R. Instead, the Petitioner filed a premature appeal with the Fourth Circuit Court of Appeals.¹

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because no objections to the R&R were filed, there are no portions of the R&R to which the Court must conduct a de novo review. Nevertheless, after a review of the record, the Court finds that the Magistrate Judge appropriately summarized the facts and applied the correct principles of law, and accordingly, the Court adopts the R&R as the Order of this Court, and it is hereby

ORDERED that the Respondents' motion for summary judgment (Entry 10) is granted; the Petitioner's motion for summary judgment (Entry 22) is denied; and this matter is ended.

 **IT IS SO ORDERED.**

June 12, 2011
Charleston, South Carolina


Sol Blatt, Jr.
Senior United States District Judge

¹ Prior to issuing this order, in an abundance of caution, this Court contacted the Fourth Circuit and spoke with Pam Stump, the case manager for the Petitioner's appeal, who informed this Court that it should proceed with its ruling on the R&R despite the premature appeal.